

REMARKS

Claim 1 has been amended to incorporate the recitations of claims 2 and 8 therein, which results in the hydroxybenzoic acid compounds produced by the claimed method being alkyl substituted hydroxybenzoic acid compounds having specified alkyl substituents. Claims 2, 4-8, and 11 have been canceled.

Since the subject matter of claims 2 and 8 has already been considered by the Examiner, Applicants submit that no new issues requiring further consideration and/or search should arise, and thus entry of the above amendment is respectfully requested.

Anticipation Rejection

On page 3 of the Office Action, claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueno et al. (USP No. 4,780,567 dt. Oct. 25, 1988).

In response, Applicants note initially that the instant application is now limited to a method for manufacturing hydroxybenzoic acid starting from an alkyl substituted phenol compound and an alkaline metal compound, such that the hydroxybenzoic acids produced by the claimed method have specified alkyl substituents. In this method, an excess amount of the alkyl substituted phenol compound and alkaline metal compound are reacted at a temperature of 180-300°C to give the dehydrated alkaline metal salt of the phenol compound. Thus, the dehydrated alkaline metal salt of the phenol compound is reacted with carbon dioxide to give the desired alkyl substituted hydroxybenzoic acid.

In contrast, Applicants submit that Ueno's USP 4,780,567 ('567 patent) cited by the Examiner is directed to a method for manufacturing non-substituted p-hydroxybenzoic acid which comprises providing a liquid mixture consisting of potassium phenolate, free phenol and triphenyl or hydrogenated triphenyl in the specified ratio and reacting the liquid mixture with carbon dioxide to give the desired product. Since the scope of the instant application has been limited to a method for producing hydroxybenzoic acid such that the hydroxybenzoic acid compounds produced by the method are alkyl substituted hydroxybenzoic acid compounds having specified alkyl substituents, the amended claims are not anticipated by Ueno's '567 patent.

Also, Applicants note that in Ueno's '567 patent, the starting alkaline metal phenolate is dehydrated before being subjected to the reaction with CO₂ (see column 3, lines 30-38), and column 1, lines 59-64 of the '567 patent discloses the advantage of the media (hydrogenated triphenyl) upon dehydrating the alkaline metal salt of an aromatic hydroxy compound. However, Applicants submit that no specific condition of the dehydration step is disclosed. In the working examples, sodium phenolate, sodium naphtholate and potassium phenolate are used as starting materials, and they are previously dehydrated by an undisclosed conventional method.

Applicants note that the reaction between non-substituted phenol and alkaline metal compound to give an alkaline metal salt of phenol proceeds much easier or faster than the reaction between alkyl substituted phenol and alkaline metal compound. Thus, there is no motivation in Ueno's '567 patent to conduct the specific dehydration step of the alkyl substituted phenol and alkaline metal compound to give the alkaline metal salt of the phenol compound as in the present invention.

Accordingly, Applicants submit that the present invention is not anticipated by (or obvious over) the '567 patent, and withdrawal of this rejection is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER


Bruce E. Kramer
Registration No. 33,725

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